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JUN 05 2007

FACSIMILE TRANSMISSION

DATE: 6/5/07  
TO (FIRM): U.S. Patent & Trademark Office  
ATTN: Ex. Philippe Gims  
FAX NO: \_\_\_\_\_  
FROM: Mr. Mark J. Henry  
RE: U.S. Patent App. No. 10/614,054  
YOUR REF: \_\_\_\_\_  
OUR DOCKET NO: 1071.1046D  
NO. OF PAGES INCLUDING THE COVER SHEET: 7

## PRIVILEGED &amp; CONFIDENTIAL

The information contained in this communication is confidential, may be attorney-client privileged, and is intended only for the use of the addressee(s). Unauthorized use, disclosure or copying is strictly prohibited. If there are any problems with this transmission, please contact us immediately.

## COMMENTS:

\* This Request was improperly docketed when originally filed in April, 2007.

REDOCKETING IS REQUESTED.

Docket No.: 1071.1046D

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 05 2007

In re the Application of:

Tadayoshi KONO et al.

Serial No. 10/614,054

Group Art Unit: 2613

Confirmation No. 7507

Filed: July 8, 2003

Examiner: To be assigned

For: MPEG VIDEO DECODER AND MPEG VIDEO DECODING METHOD

REQUEST FOR CORRECTED OFFICE ACTIONCommissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In an Office Action dated January 5, 2007, the Examiner raised a plurality of rejections for claims 1-23. However, claims 1-8, 21, and 22 were cancelled in the new application transmittal dated July 8, 2003. A copy of the transmittal is enclosed herewith. Also enclosed is a Restriction Requirement dated February 5, 2002 where the Examiner refers to patentably distinct inventions.

Applicants are unable to address at least some of the rejections because they incorrectly refer to cancelled claims. The Examiner is requested to issue a Corrected Office Action so that Applicants may properly respond.

If there are any questions regarding this request, such questions can be addressed by telephone to the undersigned.

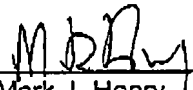
Respectfully submitted,

STAAS &amp; HALSEY LLP


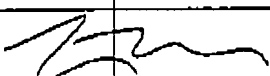
Date:

April 5 2007

By:

  
Mark J. Henry  
Registration No. 36,1621201 New York Ave, N.W., 7th Floor  
Washington, D.C. 20005

JUN 05 2007

<b>21. CONTINUING APPLICATION</b> , check appropriate box and supply the requisite information below:			
<input type="checkbox"/> Continuation <input checked="" type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No: <u>09/372,039</u> .			
Prior application Information: Examiner: Charles E. Parsons Group/Art Unit: 2613			
<b>Preliminary Amendment:</b>			
<input checked="" type="checkbox"/> Cancel in this application original claims 1-8 and 21-22 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)			
<input checked="" type="checkbox"/> Amend the specification by inserting before the first line the sentence:--This application is a divisional of application number 09/372,039, filed August 11, 1999, now allowed.--			
<b>22. NEW CORRESPONDENCE ADDRESS CUSTOMER NO. 21,171</b>			
		 <b>21171</b> PATENT TRADEMARK OFFICE	
<b>23. SIGNATURE OF ATTORNEY OR AGENT</b>			
NAME	Matthew Q. Ammon	REGISTRATION NO.	50,346
SIGNATURE		DATE	7-7-2007

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JUN. 5. 2007 5:53PM

STAAS & HALSEY -202-434-1501

NO. 2462 P. 4



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
WASHINGTON, DC 20231  
www.uspto.gov

Instruction Resp. due 3-5-02

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/372,039	08/11/1999	TADAYOSHI KONO	1071.1046/JD	9963

21171 7390 02/05/2002

STAAS & HALSEY LLP  
700 11TH STREET, NW  
SUITE 500  
WASHINGTON, DC 20001

EXAMINER

PARSONS, CHARLES E

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 02/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

FEB 08 2002

## Office Action Summary

Application No.

09/372,039

Applicant(s)

KONO ET AL

Examiner

Charles E Parsons

Art Unit

2513

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

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## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-23 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-343)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s), \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-153)
- 6) ☐ Other: \_\_\_\_.

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## DETAILED ACTION

*Election/Restrictions*

1. This application contains claims directed to the following patentably distinct species of the claimed invention: Claims 1-23 show 2 embodiments as illustrated in figures 11 and 15.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Parsons whose telephone number is 703-305-3862. The examiner can normally be reached on M-TH 7AM to 4:30PM Fri 7AM to 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone numbers for the organization where this

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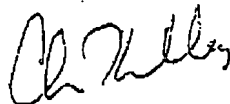
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application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

cep  
February 4, 2002

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 224